

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2021 JUN 30 PM 2:13

MARGARET BOTKINS, CLERK
CASPER

WESTERN ENERGY ALLIANCE and
PETROLEUM ASSOCIATION OF WYOMING,

Petitioners,

v.

JOSEPH R. BIDEN, JR., in his official capacity as President of the
United States; DEB HAALAND, in her official capacity as
Secretary of the Interior; and THE UNITED STATES BUREAU
OF LAND MANAGEMENT,

Respondents, and

CENTER FOR BIOLOGICAL DIVERSITY, *et al.* ("Conservation
Groups"), and ALTERRA MOUNTAIN COMPANY, *et al.*
("Business Coalition"),

Intervenor-Respondents.

No. 21-CV-13-SWS
(Lead Case)

STATE OF WYOMING,

Petitioner,

v.

THE UNITED STATES DEPARTMENT OF INTERIOR;
DEBRA ANNE HAALAND, in her official capacity as
Secretary of the Interior; THE BUREAU OF LAND
MANAGEMENT; NADA CULVER, in her official capacity
as Acting Director of the Bureau of Land Management; and
KIM LIEBHAUSER, in her official capacity as the Acting
Director of the Wyoming State Bureau of Land Management,

Respondents, and

CENTER FOR BIOLOGICAL DIVERSITY, *et al.* ("Conservation
Groups"), and ALTERRA MOUNTAIN COMPANY, *et al.*
("Business Coalition"),

Intervenor-Respondents.

No. 21-CV-56-SWS
(Joined Case)

**ORDER DISMISSING MOTIONS FOR PRELIMINARY INJUNCTION AS MOOT
WITHOUT PREJUDICE TO REFILE**


This matter comes before the Court following the parties' briefing (Docs. 58, 59, 60, 61, 63), as requested by the Court (Doc. 55), on the issue of whether to stay this case due to the nationwide preliminary injunction recently ordered by the Western District of Louisiana. Having considered the parties' positions and reviewed the records herein, the Court agrees with the parties that a complete stay is not warranted and the case should proceed toward a final resolution on the merits. The Court additionally finds, though, that the nationwide preliminary injunction issued on June 15, 2021, by Judge Terry Doughty of the Western District of Louisiana, *State of Louisiana v. Joseph R. Biden, Jr.*, No. 2:21-CV-00778, --- F. Supp. 3d ---, 2021 WL 2446010 (W.D. La. June 15, 2021), renders the current motions for preliminary injunction filed here materially moot. This Court finds that consideration of the pending motions for preliminary injunction would be a duplication and uneconomical use of judicial resources that risks inconsistent non-final rulings by different federal district courts. "As between federal district courts, however, though no precise rule has evolved, the general principle is to avoid duplicative litigation." *Colorado River Water Conserv. Dist. v. United States*, 424 U.S. 800, 817 (1976). The current preliminary injunction does not provide Petitioners here all the relief their motions requested, but it granted the bulk of Petitioners' requested relief, and the Court finds the remaining issues in this case should be considered and determined in the briefing on the merits.

Additionally, several parties expressed concern over or disagreement with nationwide injunctions. (*See, e.g.*, Doc. 58 pp. 5-6; Doc. 59 p. 3.) The issuance of nationwide injunctions is a subject of debate. *See, e.g., Dep't of Homeland Sec. v. New York*, 140 S. Ct. 599, 599-601 (2020)

(Gorsuch, J., concurring). Nonetheless, at least at the current time, there is no binding precedent precluding their issuance, *see Santa Cruz Lesbian & Gay Cmty. Ctr. v. Trump*, --- F. Supp. 3d ---, 2020 WL 7640460, at *19 (N.D. Cal. Dec. 22, 2020) (“federal district courts have authority to grant nationwide injunctions”), and federal courts of appeal have upheld them, *see, e.g., Santa Cruz Lesbian and Gay CommPennsylvania v. President United States*, 930 F.3d 543 (3d Cir. 2019) (affirming the district court’s permanent, nationwide injunction), *reversed and remanded on other grounds sub nom. Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (2020). The debate concerning the propriety of issuing nationwide injunctions is an interesting legal question that need not be answered by this Court.

IT IS THEREFORE ORDERED that Petitioners Western Energy Alliance and Petroleum Association of Wyoming’s Motion for Preliminary Injunction (21-CV-13 Doc. 41) and the State of Wyoming’s Motion for Preliminary Injunction (21-CV-56 Doc. 44) are hereby **DISMISSED AS MOOT WITHOUT PREJUDICE**. Petitioners may renew their requests for preliminary relief if the current preliminary injunction issued by the Western District of Louisiana is vacated, withdrawn, or otherwise altered in a material manner. This judicial review of administrative action is not stayed, and the parties should continue to proceed in accordance with Local Civil Rule 83.6.

ORDERED: June 30th, 2021.


 Scott W. Skavdahl
 United States District Judge